

REMARKS

1. Reconsideration in view of the remarks and amendments herein is respectfully requested.

2. Claims 1-30 are remaining with the Application. Claims 16, 17, 19, 21-25, and 27-30 stand allowed. Claims 6-8, 10, and 12-15 stand objected to as based on a rejected base claim, but would be allowable if rewritten in independent form including all of limitations of the base claim and any intervening claims.

3. (Referring to Item 1 of the Official Action) Claim 20 stands objected to as being a substantial duplicate of Claim 11.

Applicant has amended the claim to now depend on claim 19. Claim 20 should have originally depended on this claim. The claim now has proper antecedent basis. It therefore appears that this ground for objection has been traversed and the claim is in proper form for allowance.

4. (Referring to Items 2, 3, and 4 of the Official Action) Claims 2, 11, 18 and 20 stand rejected under 35 USC 112 second paragraph, as being indefinite.

Applicant has amended claim 2 by substituting "dioctyl phthalate" for the abbreviation "DOP". Antecedent is at page 4, line 19. It therefore appears that this ground for rejection has been traversed and the claim is in proper form for allowance.

Claim 11 has been amended by making the claim dependent on claim 10. Claim 11 should have originally depended on this claim. The claim now has proper antecedent. It therefore appears that this ground for rejection has been traversed and the claim is in proper form for allowance. Claim 20 has already been amended as described in Section 3, immediately above.

Claim 18 has been cancelled.

Claim 20 has been amended by now depending on Claim 19 so as to provide proper antecedent basis.

5. (Referring to Items 5, 6 and 7 of the Official Action) Claim 18 stands rejected under 35 USC102(b) as being anticipated by Chung et al. 4,486,561.

Claim 18 has been cancelled as noted above.

6. (Referring to Items 8 and 9 of the Official Action) Claims 1-5, 11, and 20 stand rejected under 35 USC102(b) as being anticipated by Moffitt 5,030,511.

Claim 1 has been amended to be in better form by eliminating (c) as a separate material and using that text to directly modify the vegetable oil derived plasticizer. Amendments are to make the text grammatically correct.

Moffitt teaches the incorporation of a processing aid (column 4, lines 38-45). Independent claim 1 has been amended to provide that the plasticizer be a "primary" plasticizer. Antecedent is at page 9, lines 6-7. Moffitt only provides for a processing aid.

Additionally, Moffitt requires that the processing aid be added in an amount from about 0.01% to 6% (column 6, lines 41-52). Amended independent claim 1, provides for "about 100 parts by weight of at least one vinyl chloride resin;" and "about 10 to 230 parts of a primary plasticizer compounded with said at least one vinyl chloride resin". Amended claim 1 thus provides for a minimum amount of plasticizer of $10/(100+10)$ or 9.09%. This is well above the maximum of 6% required by Moffitt. Accordingly, it appears that amended claim 1 patentably distinct over Moffitt and allowable. Claims 2-5 are dependent on amended claim 1 and thus likewise appear allowable.

Claims 11 and 20 previously dependent on claim 1 have been amended to depend on claims 10 and 19 respectively, as discussed previously. These claims also appear allowable.

7. (Referring to Items 11, 12 and 13 of the Official Action) Claims 1-5, 11, and 20 stand rejected under 35 USC103(a) as being unpatentable over Duvall et al. 6,326,518.

First, Applicant states that the subject matter of the various claims was subject to an obligation of assignment to the Applicant at the time any inventions therein were made.

As discussed above amended claim 1 of the present invention requires that the plasticizer be added in an amount of at least 9.09%. Duvall et al. requires 0.01 – 5% (see column 28, lines 15-35). The limitations of claim 1 are greatly above the maximum specified by Duvall et al. Thus it is respectfully suggested that amended claim 1 is allowable. Claims 2-5 are dependent on amended claim 1 and thus likewise appear allowable.

Claims 11 and 20 previously dependent on claim 1 have been amended to depend on claims 10 and 19 respectively, as discussed previously. These claims also appear allowable.

8. (Referring to Items 14 and 15 of the Official Action) Claims 1-5, 9, 11, 20, and 26 stand rejected under 35 USC103(a) as being unpatentable over Duvall et al. 6,326,518, in view of Chung et al 4,486,561.

Duvall et al. limits to amount of epoxy compounds added to at most 5%. As discussed above this is significantly less than the minimum of 9.09% required by amended claim 1 of the present invention. Duvall et al. limits any plasticizers added from teachings of Chung et al to at most 5%. Therefore, it is respectfully suggested that amended claim 1 is allowable. Claims 2-5, and 9 that are dependent on amended claim 1 likewise appear allowable.

Claims 11 and 20 previously dependent on claim 1 have been amended to depend on claims 10 and 19 respectively, as discussed previously. These claims also appear allowable.

Claim 26 provides for a minimum amount of primary plasticizer of $10/(100+10+3)$ or 8.85%. This is well above the maximum of 5% required by Duvall et al. and any additional plasticizers taught by Chung et al. Accordingly, it respectfully suggested that claim 26 is allowable.

9. Additional Amendments

Claim 4 has been amended to change the abbreviation "I.V." to "iodine value". Antecedent is found at page 12, lines 6-20, where I.V. is used interchangeably with iodine value.

Claims 6-10, 12, 16, 17, 19, and 21 have been amended to proper Markush format by deleting "or" and substituting "and". In addition, each member of the group has been individually labeled as to whether it is epoxidized or non-epoxidized. Antecedent is in each of the claims.

Claim 15 has been amended to proper Markush format by deletion of "or" and substitution with "and".

Claim 30 has been amended to properly depend on claim 29. It originally depended on claim 28, however, there is no antecedent for first or second vegetable oil in claim 28.

10. (Referring to Item 16 of the Official Action) Claims 6-8, 10, and 12-15 stand objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of limitations of the base claims and any intervening claims.

The base claim 1 for claims 6-8, 10, and 12-14 appears allowable as discussed earlier. Accordingly, it is respectfully suggested that these claims are allowable.

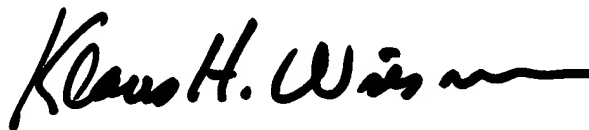
With respect to claim 15, the Examiner's attention is drawn to this claim. It appears that the reference to claim 15 as being dependent on claim 1 was a typographical error. Claim 15 is already an independent claim. No art was cited against claim 15 and this claim appears to be allowable on its own.

11. Applicant hereby requests and petitions for a three month extension of time.

It is believed that the above amendments address the examiner's concerns regarding the claims. Accordingly it is respectfully suggested that the rejections have been traversed and that the remaining claims appear allowable.

In light of the amendments and remarks herein, it is respectfully submitted that the present application appears to be fully in condition for allowance; therefore, allowance of the application is earnestly solicited. Applicant's undersigned attorney has made a good faith effort to meet the concerns expressed by the Examiner in the Official Action. If the Examiner still has some issues with the application, and has any suggestions as to how to address them, the Examiner is invited to call the Applicant's undersigned attorney at the phone number given below, so that those issues can be worked out.

Respectfully submitted,



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